IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 6074 of 2007(W)

PETITIONER:

KERALA STATE CASHEW DEVELOPMENT CORPORATION, P.B.NO.13, KOLLAM-1 REPRESENTED BY ITS MANAGING DIRECTOR DR. K.A.RETHEESH, CASHEW HOUSE, KOLLAM-1.

BY ADV. SRI.C.UNNIKRISHNAN, SC, KSCDC LTD.

RESPONDENTS:
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1. THE ASST. PROVIDENT FUND COMMISSIONER, REGIONAL OFFICE, E.P.F. ORGANISATION, BHAVISHYA NIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-4.

2. THE MANAGER, PUNJAB NATIONAL BANK, KOLLAM.

3. THE MANAGER, STATE BANK OF TRAVANCORE, BEACH ROAD BRANCH, KOLLAM.

4. THE MANAGER, STATE BANK OF INDIA, COMMERCIAL BRANCH, KOLLAM.

BY ADV. SRI.SATHISH NINAN FOR R3
SRI.SANTHOSH MATHEW ''
SRI.N.N.SUGUNAPALAN (SR.)SC FOR R1
SRI.K.K.CHANDRAN PILLAI SC FOR R4
SMT.T.N.GIRIJA, SC,EPF ORGANISATION FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.6074 Of 2007

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Dated this the 22nd day of February, 2007.

J U D G M E N T

Heard.

Petitioner is a public sector body. It faces an order for recovery of damages under E.P.F & M.P.Act. It has paid of the entire interest and the contributions, though belatedly. In such circumstances, particularly because, the petitioner is in-capacitated from moving the Appellate Tribunal for an order for waiver owing to the fact that Tribunal is stated to be on tour. It is directed that if the petitioner remits 50% of the amount demanded by the E.P.F organisation as per the impugned demands, by making such remittance in two instalments payable on or before 20.03.07 and 30.04.07, the Appellate Authority will waive any pre-condition as to deposit and decide the appeal after hearing the petitioner and the department and dispose it of within an outer limit of eight months. If such payments are made, the distress action against the petitioner will stand

suspended during the pendency of that appeal. As of now the notices issued to the banks by the EPF organisation will remain suspended.

This writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj